

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 4-5, 12-13, 20-21, 29-30, and 58 are cancelled. Claims 1-3, 6-11, 14-19, 22-28, 31-52 and 59 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

The specification has been amended to better conform to the requirements of U.S. practice. No new matter has been added by these amendments.

Claims 2-3, 6-8, 10-11, 14-16, 18-19, 22-25, 27-28, 31-34, 36-39, 41-44, 46-49, 51-54, 56-57, and 59 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 1, 9, 26, and 55 were objected to because of informalities. Claims 1, 9, 26, and 55 have been amended to correct same.

Turning now to the art rejections, claims 1-59 were rejected under 35 U.S.C. § 102(b) as being anticipated by Fernandez (U.S. Patent No. 6,922,664). Claims 4-5, 12-13, 20-21, 29-30, and 58 are cancelled. Applicants submit that the remaining claims are patentably distinguishable over the relied on sections of Fernandez.

As amended herein, claim 1 recites:

multiplexing the stream of data packets with corresponding portions of the detected bio-information by inserting a respective portion of the detected bio-information adjacent to at least one data packet that is concurrent with that portion of the bio-information[.]

(Emphasis added.) The relied on sections of Fernandez do not disclose or suggest multiplexing a stream of data packets with corresponding portions of detected bio-information, and the

relied on sections of Fernandez do not disclose or suggest inserting a respective portion of detected bio-information adjacent to at least one data packet that is concurrent with that portion of bio-information.

It follows, for at least the above reasons, that the relied on sections of Fernandez do not disclose or suggest the combination defined in claim 1 and therefore do not anticipate the claim.

Independent claims 9, 17, 26, 35, 40, 45, 50, and 55 have each been amended to call for features similar to those set out in the above excerpt of claim 1. Each of these claims is therefore patentably distinguishable over the relied on sections of Fernandez for at least the reasons set out above regarding claim 1.

Claims 2-3 and 6-8 depend from claim 1, claims 10-11 and 14-16 depend from claim 9, claims 18-19 and 22-25 depend from claim 17, claims 27-28 and 31-34 depend from claim 26, claims 36-39 depend from claim 35, claims 41-44 depend from claim 40, claims 46-49 depend from claim 45, claims 51-54 depend from claim 50, and claims 56-57 and 59 depend from claim 55. Therefore, each of these claims is distinguishable over the relied on sections of Fernandez at least for the same reasons as the claim from which it depends.

Accordingly, Applicants respectfully request the withdrawal of the Examiner's objections and the withdrawal of the rejection under 35 U.S.C. § 102(b).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at

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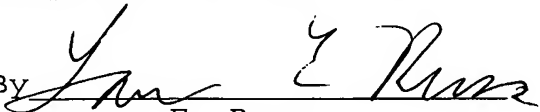
(908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By



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